

DISTRICT JUDGE'S MINUTES
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA – PHOENIX

U.S. District Judge: Douglas L. Rayes

Date: March 2, 2023

USA v. David Allen Harbour

Case Number: CR-19-00898-001-PHX-DLR

Assistant U.S. Attorney: Kevin Rapp and Coleen Schoch

Attorney for Defendant: Stephen Dichter and Justin Vanderveer, Retained

Defendant: ☒ **Present** ☐ **Not Present** ☒ **Released** ☐ **Custody** ☐ **Summons** ☐ **Writ**

JURY TRIAL (Day 16):

9:00 a.m. Jury resumes deliberations.

10:05 a.m. Reconvene. Parties present by telephone. Jury not present. Jury Questions #1 and #2 discussed.

10:14 a.m. Recess.

10:43 a.m. Reconvene. Parties present. Jury not present. Additional discussion held regarding Jury Question #2 and deadlocked jury instruction. Discussion held regarding forfeiture allegations. The Defendant waives his right to have the jury decide the forfeiture allegations.

10:48 a.m. Jury present. Deadlocked jury instruction read to the Jury.

10:51 a.m. Recess.

2:03 p.m. Reconvene. Parties present. Jury not present. The Court advises the parties that it has been informed a verdict has been reached.

2:05 p.m. Jury foreperson advises the Court a verdict has been reached on all counts. Verdict of **GUILTY** as to Counts **1, 2, 3, 6, 7, 8, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22** and **23** of the Second Superseding Indictment, and **NOT GUILTY** as to Counts **4, 5, 9, 10, 11** and **12** of the Second Superseding Indictment read and recorded. Jury polled.

2:12 p.m. Jury is released from the admonition and excused. Court remains in session. Sentencing is set for **June 5, 2023, at 3:00 p.m.** The Court directs the U.S. Probation Office to prepare a Presentence Report. The Court's previous release order is affirmed. An Evidentiary Hearing re: forfeiture allegations is set for **March 29, 2023, at 9:30 a.m.** Discussion held regarding the Government's motion to remand the Defendant into custody. The Court will not take the Defendant into custody at this time. A Status Conference re: Detention is set for March 3, 2023, at 10:30 a.m.

2:22 a.m. Court is adjourned.

Court Reporter: Scott Coniam

Deputy Clerk: Robert Vasquez

JT: 36 min

Start: 8:57 AM

Stop: 2:22 PM